

UNCLASSIFIED Department of State

INCOMING
TELEGRAM

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ACTION ARA-00

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INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 SY-06 HA-08 L-03 PM-10
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 2428

BUENOS AIRES 05385

E.O. 12356: DECL: OADR
TAGS: SHUM, PGOV, AP
SUBJ: ARGENTINE MILITARY ORDERED TO TESTIFY ON "DIRTY WAR"

REF: BUENOS AIRES 4486

1. (U) THE GOVERNMENT OF ARGENTINA (GOA) ON JULY 10 ORDERED ALL SERVICEMEN, ON ACTIVE DUTY OR RETIRED, TO ANSWER ANY QUESTIONS POSED AND TO PRODUCE ANY PAPERS REQUESTED BY THE COURTS OR THE PRESIDENTIALLY-APPOINTED NATIONAL COMMISSION ON THE DISAPPEARANCE OF PERSONS. THE GOA DECREE ALSO EXPLICITLY AUTHORIZES SERVICEMEN TO GIVE COURT TESTIMONY RELATING TO THE FORMER MILITARY REGIME'S SO-CALLED "DIRTY WAR" AGAINST SUBVERSION WITHOUT HAVING TO ASK FOR PERMISSION AS ESTABLISHED IN MILITARY REGULATIONS.
2. (U) THE DECREE STATES THAT THE PURPOSE OF THE MEASURE IS TO "STRENGTHEN JUSTICE, CONSOLIDATE DOMESTIC PEACE, AND SPEED UP COURT CASES RESULTING FROM THE FIGHT AGAINST TERRORISM AND INVESTIGATIONS TO THE SAME EFFECT BEING CARRIED OUT BY THE NATIONAL COMMISSION ON THE DISAPPEARANCE OF PERSONS." SHOULD THE QUESTIONS POSED TO SERVICEMEN APPEAR TO INVOLVE MILITARY SECRETS, THE DECISION ON WHETHER THEY SHOULD BE ANSWERED WILL BE MADE BY THE MINISTRY OF DEFENSE. THE DECREE SPECIFIED THAT THE PRESIDENTIAL COMMISSION MUST PUT ALL QUESTIONS IN WRITING, AND WITNESSES MUST ANSWER IN WRITING WITHIN FIVE WORKING DAYS.
3. (U) PRESS REPORTS STATE THE DECREE WAS DRAFTED IN THE MINISTRY OF DEFENSE WITH THE HELP OF THE LEGAL ADVISERS OF THE THREE SERVICES. UNNAMED SOURCES IN THAT MINISTRY TOLD THE PRESS THEY BELIEVED THIS DECREE WOULD HELP TO SPEED UP THE INVESTIGATIONS AND IMPROVE THE CURRENT SYSTEM. THE "BUENOS AIRES HERALD" PUBLISHED AN EDITORIAL ON JULY 11, HOWEVER, CONCLUDING THAT "THE AUTHORITIES HAVE WAITED FAR TOO LONG BEFORE TAKING THIS STEP."
4. COMMENT: WE AGREE WITH THE "HERALD'S" CONCLUSION. THE APPROPRIATE TIME FOR THIS DECREE WAS SEVEN MONTHS AGO WHEN THE NATIONAL COMMISSION ON THE DISAPPEARANCE OF PERSONS WAS CREATED AND PRESIDENT ALFONSIN WAS AT THE HEIGHT OF HIS POPULARITY. A PRESIDENTIAL ADVISER TOLD US A MONTH AGO THAT ALFONSIN WAS AWARE OF THE GENERAL UNHAPPINESS OVER THE SLOWNESS OF THE JUDICIAL PROCESS AND WANTED TO DO SOMETHING ABOUT IT. WE BELIEVE THIS DECREE IS THE RESULT.

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ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

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